

Approved June 14, 2013.

Effective June 14, 2013.

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## CHAPTER 1123

H.B. No. 3943

### AN ACT

relating to the creation of the Harris County Municipal Utility District No. 537; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8488 to read as follows:

### CHAPTER 8488. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 537

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8488.001. *DEFINITIONS. In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Harris County Municipal Utility District No. 537.

Sec. 8488.002. *NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.*

Sec. 8488.003. *CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.*

Sec. 8488.004. *CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8488.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.*

Sec. 8488.005. *FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.*

*(b) The district is created to accomplish the purposes of:*

- (1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and*
- (2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.*

Sec. 8488.006. *INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.*

*(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:*

- (1) organization, existence, or validity;*
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;*
- (3) right to impose a tax; or*

(4) *legality or operation.*

#### SUBCHAPTER B. BOARD OF DIRECTORS

*Sec. 8488.051. GOVERNING BODY; TERMS.* (a) *The district is governed by a board of five elected directors.*

(b) *Except as provided by Section 8488.052, directors serve staggered four-year terms.*

*Sec. 8488.052. TEMPORARY DIRECTORS.* (a) *The temporary board consists of:*

- (1) *Michael Keegan;*
- (2) *Russ Bynum;*
- (3) *Denise Traylor;*
- (4) *Darryl Robinson; and*
- (5) *Deborah Yahner.*

(b) *Temporary directors serve until the earlier of:*

- (1) *the date permanent directors are elected under Section 8488.003; or*
- (2) *September 1, 2017.*

(c) *If permanent directors have not been elected under Section 8488.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:*

- (1) *the date permanent directors are elected under Section 8488.003; or*
- (2) *the fourth anniversary of the date of the appointment or reappointment.*

(d) *If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.*

#### SUBCHAPTER C. POWERS AND DUTIES

*Sec. 8488.101. GENERAL POWERS AND DUTIES.* *The district has the powers and duties necessary to accomplish the purposes for which the district is created.*

*Sec. 8488.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.* *The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.*

*Sec. 8488.103. AUTHORITY FOR ROAD PROJECTS.* (a) *Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.*

(b) *The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.*

*Sec. 8488.104. APPROVAL OF ROAD PROJECT.* (a) *The district may not undertake a road project authorized by Section 8488.103 unless:*

- (1) *each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or*
- (2) *the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.*

(b) *Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.*

**Sec. 8488.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION.** *The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.*

**Sec. 8488.106. LIMITATION ON USE OF EMINENT DOMAIN.** *The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:*

- (1) a road project authorized by Section 8488.103; or*
- (2) a recreational facility as defined by Section 49.462, Water Code.*

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

**Sec. 8488.151. ELECTIONS REGARDING TAXES OR BONDS.** (a) *The district may issue, without an election, bonds and other obligations secured by:*

- (1) revenue other than ad valorem taxes; or*
- (2) contract payments described by Section 8488.153.*

(b) *The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.*

(c) *The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.*

**Sec. 8488.152. OPERATION AND MAINTENANCE TAX.** (a) *If authorized at an election held under Section 8488.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.*

(b) *The board shall determine the tax rate. The rate may not exceed the rate approved at the election.*

**Sec. 8488.153. CONTRACT TAXES.** (a) *In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.*

(b) *A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.*

#### SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

**Sec. 8488.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS.** *The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.*

**Sec. 8488.202. TAXES FOR BONDS.** *At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.*

**Sec. 8488.203. BONDS FOR ROAD PROJECTS.** *At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.*

**SECTION 2.** *The Harris County Municipal Utility District No. 537 initially includes all the territory contained in the following area:*

BEGINNING at a point in the North right-of-way line of Old Katy Road (80 feet wide), said point marks the Southwest corner of that certain called 0.6339 acre tract recorded under Harris County Clerk's File No. 20100020050 and the herein described tract;

THENCE, North 01°14'41" West, at 100.00 feet pass the Southeast corner of Unrestricted Reserve "A", Resource Centre, LTD, Subd., as recorded in Vol. 314, Pg. 111 H.C.M.R. and continuing a total distance of 1280.76 feet to a point in the South line of a tract of land conveyed to Southern Pacific Railroad Co., by deed recorded under H.C.C.F. No. B960751, for the Northeast corner of said Reserve "A", said point also marks the Northwest corner of the herein described tract;

THENCE, North 88°01'36" East, along the South line of said Southern Pacific Railroad Co. tract, a distance of 551.31 feet to an angle point;

THENCE, North 87°59'38" East, continuing along the South line of said Southern Pacific Railroad Co. tract, a distance of 312.54 feet to an angle point;

THENCE, North 88°17'24" East, a distance of 68.60 feet to a point in the Southwest right-of-way line of Southern Pacific Transportation Co. Railroad (100 feet wide), for the Northeast corner of the herein described tract;

THENCE, South 51°45'21" East, along the Southwest right-of-way line of said Southern Pacific R.R., a distance of 857.52 feet to a point for the Point of Curvature of a curve to the Right;

THENCE, in a Southeasterly direction, continuing along the Southwest line of said Southern Pacific R.R., with said curve to the Right having a radius of 905.00 feet, a central angle of 46°24'58", an arc length of 733.15 and a chord bearing and distance of S 27°13'25" E, 713.27 feet to a point for the Point of Tangency;

THENCE, South 01°14'53" East, along the West line of said Southern Pacific R.R., a distance of 50.00 feet to a point for the Easterly most Southeast corner of the herein described tract;

THENCE, South 88°45'07" West, a distance of 198.86 feet to a point for an interior corner;

THENCE, South 01°14'53" East, a distance of 50.00 feet to a point in the North right-of-way line of said Old Katy Road for the Southeast corner of that certain called 0.5825 acre tract (Tr. 2, Pt. 6) recorded under H.C.C.F. No. 20100020050, said point also marks the Southeast corner of the herein described tract;

THENCE, South 88°45'07" West, along the North right-of-way line of Old Katy Road, a distance of 1714.87 feet to the POINT OF BEGINNING and containing 46.750 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Section 8488.106, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8488, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8488.106 to read as follows:

*Sec. 8488.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.*

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2013.

Passed by the House on May 14, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

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## CHAPTER 1124

H.B. No. 3947

### AN ACT

relating to the powers and duties of the Harris County Municipal Utility District No. 402 regarding road projects.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 8198.051(a), Special District Local Laws Code, is amended to read as follows:

(a) The district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads or turnpikes, or improvements in aid of those roads or turnpikes, inside or outside the district.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on May 14, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

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## CHAPTER 1125

H.B. No. 3952

### AN ACT

relating to the composition of the juvenile board of Val Verde County.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 152.2391(a), Human Resources Code, is amended to read as follows:

(a) The juvenile board of Val Verde County is composed of the county judge, [and] the district judges in Val Verde County, and the judge of the County Court at Law of Val Verde County.

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on May 10, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.